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MESSAGE

OF THE

MAYOR OF ROXBURY,

IN RELATION TO THE

BACK BAY LANDS,

JANUARY 19, 1857.



ROXBURY :
NORFOLK COUNTY JOURNAL PRESS.
1857.

CITY OF ROXBURY.

IN COMMON COUNCIL, Jan. 19, 1857.

A MESSAGE was received from the MAYOR, in relation to the "BACK BAY LANDS," which was read.

Upon motion of Mr. MAY, of Ward 3, laid on the table, and 2000 copies ordered to be printed, for the use of the Council and for distribution to the citizens.

JOSHUA SEAVER, *Clerk.*

City of Roxbury.

MAYOR'S OFFICE, January 19, 1857.

*To the Board of Aldermen and Common Council of the
City of Roxbury:*

GENTLEMEN,—

By reference to the late annual Address of his Excellency the Governor of this Commonwealth to the two branches of the Legislature of Massachusetts, it will be seen that he alludes to an extensive tract of lands, which is now unimproved, known as the "Back Bay," in a manner which cannot but deeply interest every citizen not only of Roxbury, but of every town in the County of Norfolk. After referring to two formal instruments, which have been completed, by which, in the one case, the Commonwealth has become a party in connection with the Boston Water Power Company for the improvement of those lands; and, in the other, the Commonwealth, in conjunction with the Boston Water Power Company and the City of Boston, has become a party for the same object;— and after stating that a magnificent plan for laying out the territory is proposed, which, as it progresses, will render the lots very attractive and immediately saleable — his Excellency proceeds as follows:

"The property of the State in the Back Bay, estimated at millions by the rates at which similar lands in the same vicinity have recently been sold, seems to be an interest of sufficient magnitude to justify a limited expenditure in preparing it for the market.

“ A portion of the lands included in this tract lies within the limits of Boston, and another portion within the boundaries of Roxbury. The line between the two cities is arbitrary, irregular and inconvenient. The Boston sewers must pass through Roxbury for suitable drainage, and all that portion comprised within the latter city will be deprived of much of its value to the Commonwealth, unless supplied with the Co-chituate water, the exclusive property of the former. I therefore advise that the boundary line be changed, so as to bring the whole, or nearly all the tract to be filled, within the jurisdiction of the City of Boston.”

That portion of the boundary line between Boston and Roxbury, which his Excellency now proposes to change, was established by the Legislature in 1836. Previous to that period, it had become somewhat indefinite, in consequence of changes in the original channel, which, before the construction of the Mill-Dam, was the recognized boundary between the cities. The line, as established by the Legislature in 1836, was satisfactory to Boston and Roxbury, and approved by the Commonwealth as a just, regular, and convenient boundary. The Act reads as follows :

“ CHAP. 37. *Be it enacted*, &c.

“ The following lines, which have been mutually agreed upon between the City of Boston and the Town of Roxbury, shall hereafter constitute and be considered the boundary lines in the section to which they refer, between the said city and town, viz., beginning at a stone monument on the southwesterly side of the dyke that forms the southwesterly boundary of the Empty Basin, so called, from which point the centre of the steeple of Park Street Meeting-house, in said city, bears North, fifty-three degrees East, this line to run in this direction, from the point above mentioned, about two hundred and ninety rods, until it strikes the centre of the main channel westerly of the ropewalk lands, in said city; thence turning and running northerly, in the centre of said channel, about one hundred and twenty-five rods, to a point two hundred feet distant, southerly, from the main branch of the Mill Dam or Western Avenue; thence turning nearly at right angles, and running westerly nearly on a parallel line with said Mill Dam, until it strikes the branch thereof leading to Roxbury, at which point a stone monument has been erected. And the territory and jurisdiction on either side of said lines as hereby established, are accordingly confirmed to said city and said town respectively.”—March 16, 1836.

It is now suggested by his Excellency the Governor, that it would be proper for the Legislature to establish a new boundary line; and one of a character so arbitrary as to deprive the City of Roxbury of jurisdiction over an extensive tract of territory embracing all the lands in the Empty Basin, or Back Bay, in whomsoever the fee may be vested, which now lie within the boundary line of Roxbury, and comprising an extent of at least four hundred and fifty (450) acres.

The tract of land which it is thus proposed by his Excellency to transfer to Boston, is not only of great extent, but also of great value — being, according to the extract from the Address of his Excellency, which I have already quoted, even *now* estimated at millions of dollars. Its prospective value can hardly be calculated; but when laid out agreeably to the “magnificent plan,” which appears to have been already adopted, with spacious avenues and commodious streets, intersecting each other at right angles, and ornamented with Parks and Squares, and covered with warehouses, dwelling-houses, and public buildings, as will in all probability be the case before the lapse of many years, it must — provided the present boundary line remains unchanged — be of immense value as TAXABLE PROPERTY, not only to the City of Roxbury, but to *the whole County of Norfolk*, to whomsoever the different tracts of territory may actually belong.

In that portion of the Address of his Excellency, which relates to the subject of the Back Bay Lands, I can find no intimation that the convenience or interests of the City or County are to be consulted in relation to this important change in the boundary lines, which contemplates so serious an abridgment of our already limited municipal territory. It is therefore but reasonable to infer that a course on the part of the Legislature would meet the approval of his Excellency, similar to the one adopted by the Legislature in 1850, when a tract of land, consisting of only nineteen

acres, however, situated on the South Bay, within the boundaries of Roxbury, but the fee of which was in Boston, was *wanted* by the City of Boston, and transferred to that city by the Legislature, regardless of the remonstrance of Roxbury, and without any equivalent whatever.

But it can hardly be expected that a Legislature, composed of intelligent and high-minded men, representing all portions of the Commonwealth, and whose duty it is to protect the interests of the weak, as well as the strong — of the poor and humble, as well as the rich and powerful, will, without full and deliberate consideration, and against the wishes and without the consent of the authorities of Roxbury, determine thus to deprive our City of so large a portion of territory, as is recommended by his Excellency, and add the lands in question to the municipal jurisdiction of Boston, with a view to improve and increase the value of the landed property of a wealthy Corporation, and also of the Commonwealth, which is thus made to appear in the new and singular character of a joint partner in a great land speculation.

I repeat, that such a proceeding, which, if not palpably unjust and despotic, may be regarded as at least an extraordinary one, can never receive the sanction of the Legislature ; — and, more especially, when it is recollected that *the present boundary line on the Back Bay, between the Cities of Boston and Roxbury, was the result of a special agreement or contract between those two cities, which contract was subsequently confirmed by the act of the Legislature*, which I have already cited. Whether the Legislature of Massachusetts has the constitutional authority to annul this contract without the consent of both the original parties, is also a question for the consideration of that body.

It is known to the City Government of Roxbury, that suits at law are now pending in relation to the actual own-

ership of a portion of this land in the Back Bay — about seventy acres — which it is hoped and expected will soon be decided. These suits are brought against the City of Roxbury by the Commonwealth, and by the Boston Water Power Company. His Excellency the Governor, in his annual Address, has so far prejudged the merits of these cases, as to state that "the claim of the City of Roxbury to the ownership of a portion of this territory, is denied by the most eminent legal advisers, whose services the Commonwealth and the Boston Water Power Company have been able to obtain."

I am able, however, to inform the members of the City Council, that I have assurances from eminent counsel who have investigated the subject, that the claims of Roxbury to the portion of territory in dispute, can be so clearly shown and established in a court of law, as to warrant *the most vigorous proceedings in defending those cases.*

Although I do not believe that either the Judicial or Legislative departments of our government can be influenced by counsels emanating from even the highest authority, without being convinced by their own investigation, of their wisdom and justice; yet, under existing circumstances, it may be well to consider whether it would not be proper for the City Council of Roxbury to take immediately some preliminary step towards protecting the rights and defending the interests of the City, which seem to be thus strangely assailed. And I would respectfully suggest for the consideration of the City Council, the propriety of appointing a permanent Committee, with authority to act in such manner as they may deem expedient, on that portion of his Excellency's Address, which relates to the subject of the Back Bay Lands; and also to take such action in relation to the suits now pending, to which I have referred, or any other matters connected with those lands or the drainage in the Back Bay, which in their opinion will

be proper, and contribute to the advantage of Roxbury — with the understanding that such Committee shall have no exclusive authority to compromise or relinquish any claim, right, or privilege in connection with those lands, which Roxbury has hitherto maintained or defended.

I have the Honor to be, Gentlemen,

Respectfully, Your obedt. servt.,

JOHN S. SLEEPER,

Mayor of Roxbury.



